

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

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IN RE: NATIONAL PRESCRIPTION OPIATE	:	
LITIGATION	:	
	:	MDL No. 2804
This document relates to:	:	
	:	Hon. Dan Aaron Polster
All cases identified in Exhibit A	:	
	:	
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**POSITION STATEMENT OF THE NEW YORK ATTORNEY GENERAL
IN SUPPORT OF JANSSEN’S MOTION TO DISMISS CLAIMS FILED
BY CERTAIN NEW YORK SUBDIVISIONS AS BARRED BY STATUTE**

Letitia James, the Attorney General of the State of New York, respectfully submits this Position Statement in support of Janssen’s Motion (Dkt. No. 4581) (the “Janssen Motion”) to dismiss the claims of certain New York subdivisions as barred by New York’s Mental Hygiene Law § 25.18(d) (the “Act”).

The Janssen Motion is identical in all relevant respects to the motion filed in April 2022 by the Settling Distributors to dismiss the claims filed by non-participating New York Subdivisions as barred by the Act (Dkt. No. 4398). The New York Attorney General submitted a position statement dated May 25, 2022 in support of the Settling Distributors’ motion (Dkt. No. 4480) (the “May 2022 Position Statement”) setting forth the background of the Act and the reasons why the Act is valid and enforceable and serves to bar the claims asserted by the non-participating New York Subdivisions against the Settling Distributors. After considering the parties’ moving papers and the New York Attorney General’s May 2022 Position Statement, the Court issued an order granting the Settling Distributors’ motion on June 21, 2022 (Dkt. No. 4547).

The New York Attorney General supports granting the Janssen Motion for all the same reasons set forth in the May 2022 Position Statement, which is incorporated herein by reference in the interests of brevity. As was the case with the claims asserted by the non-participating New York Subdivisions against the Settling Distributors, all the claims asserted against Janssen in the actions identified in Exhibit B to the Janssen Motion are barred by operation of the Act and should be dismissed.¹

For the reasons set forth above and in the May 2022 Position Statement, the New York Attorney General respectfully requests that the Court grant the Janssen Motion in its entirety.

Dated: New York, New York
July 21, 2022

LETITIA JAMES
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¹ More specifically, the action entitled *Southwestern Central School District (NY) v. Cephalon, Inc., et al.* (No. 1:22-op-45024), is barred because the plaintiff subdivisions in that case were not authorized to assert their claims against Janssen pursuant to the first sentence of § 25.18(d) as they commenced the action on or after June 1, 2021, while the remaining claims against Janssen in the cases listed in Exhibit B to the Janssen Motion were extinguished by operation of law upon being released by the New York Attorney General as part of the Janssen Opioid Settlement Agreement pursuant to the second sentence § 25.18(d) because they were filed before June 1, 2021 but after June 30, 2019.